

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Applicant is submitting the present Amendment without prejudice to subsequent prosecution of claims to some or all of the subject matter which might be disclaimed by virtue of this paper (although none is believed to be), and explicitly reserves the right to pursue some or all of such subject matter, in Divisional or Continuation Applications.

**I. CLAIM STATUS AND AMENDMENTS**

Claims 1-5 and 8-9 were pending in this application when last examined and stand rejected.

Minor editorial revisions have been made to the claims to improve the language therein to better conform to U.S. claim form. Such revisions are non-substantive and not intended to narrow the scope or protection. Such revisions include: the revisions suggested by the Examiner in item 1 on page 2 of the Office Action; revising the beginning of the claims to recite "A" or "The" where appropriate, and revising the language throughout to better conform to U.S. practice for antecedent basis. No new matter has been added by the above claim amendments.

New dependent claim 10 has been added. Support can be found in original claim 5. No new matter has been added.

Claims 1-5 and 8-10 are pending upon entry of this amendment.

## II. CLAIM OBJECTIONS

Claims 1, 2, 4, 8, and 9 were objected to for containing informalities for the reasons set forth in item 1 on page 2 of the Office Action.

Applicant respectfully submits that the present amendment overcomes the objections, as the claims have been amended along the lines suggested by the Examiner. As such, the amended claims are believed to be free of minor informalities. Thus, the claim objections are untenable and should be withdrawn.

## III. PRIOR ART REJECTIONS

Claims 1, 4, and 5 were rejected under 35 U.S.C. § 102(b) as anticipated by TURNER et al. (U.S. 4,817,603) for the reasons set forth in item 1 on pages 3-4 of the Office Action.

Claims 2, 3, 8, and 9 were rejected under 35 U.S.C. § 103(a) as obvious over TURNER et al. in view of HAYNES (U.S. 3,165,220) for the reasons set forth in item 6 on pages 4-5 of the Office Action.

These rejections are respectfully traversed and will be discussed together below.

It is well established that to anticipate a claim, a cited prior art reference must disclose or suggest each and every

element of the claimed invention. See, M.P.E.P. (Eighth Ed., Rev. 6 (September 2007) at § 2131.

It is well established that to support a *prima facie* case of obviousness, the Office must provide a rationale showing that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions to yield predictable results. See, *KSR International Co. v. Teleflex, Inc.*, 550 U.S. \_\_\_, \_\_\_, 82 U.S.P.Q.2d 1385, 1395 (2007); and M.P.E.P. (Eighth Ed., Rev. 6 (September 2007) at § 2143.02.

In the instant case, amended claim 1 recites "A blood sampling device comprising: a needle-carrying lancet located within a housing and having a cap releasably attached to said lancet adjacent said needle, the cap extending to project through an opening at one end of the housing and having at least one locating member fitting into at least one cooperating feature of outer walls of the housing, the cap being twistable to release the at least one locating member from the at least one cooperating feature and from the lancet."

It is respectfully submitted that TURNER et al. and HAYNES, either alone or in combination, fail to disclose or suggest

Accordingly, claim 1 (which is the sole independent claim), as amended, distinguishes over the cited references and clarifies the inter-relationship between the cap and the lancet and what was meant by the cap "being positioned over" the needle. Amended claim 1 now makes it clear that the cap is "releasably attached to said lancet adjacent said needle." The final passage of claim 1 has been also amended to make it clear that twisting the cap both detaches the cap from the housing and also from the lancet. It is respectfully submitted that TURNER et al. and HAYNES, either alone or in combination, fail to disclose or suggest these features of independent claim 1.

As such, amended claim 1 provides an arrangement, whereby a cap is provided to cover the opening through which the needle projects on firing both for safety and sterility, and also serves the function of being releasably attached to the lancet and releasably attached to the housing. It will be appreciated that because the cap is secured both to the outside of the housing and to the lancet, the lancet is inhibited from moving until the cap is removed. When secured in position therefore the cap acts as a safety lock prevent firing of the lancet until the cap has been removed.

By contrast, TURNER et al. disclose a lancet arrangement in which a cap serves the sole function of covering the hole through which the lancet needle projects when fired. There is no suggestion whatsoever of any interaction between the

cap 40 and the lancet and certainly no disclosure of an arrangement in which the cap extends between the lancet and the exterior of the lancet housing and is detachably secured to both the housing and the lancet.

Again, TURNER et al. and HAYNES, either alone or in combination, fail to disclose or suggest these features of independent claim 1.

Thus, Applicant believes that claim 1, as amended, is both novel and patentable distinguished over TURNER et al. Dependent claims 2 to 5, 8 and 9 define further innovative features and are distinguished by virtue of dependency from claim 1. Thus, these dependent claims are also novel and patentable over the cited references by virtue of their dependency from claim 1.

New dependent claim 10 is directed to the feature apparent on a comparison of Figures 4 and 5 whereby the cap, by virtue of its attachment to the housing and to the lancet, holds the lancet body clear of the trigger latch prior to firing.

Thus, Applicant respectfully submits that the cited prior art references fail to disclose or suggest each and every element of the amended claims. For this reason, the above prior art rejections are untenable and should be withdrawn.

IV. CONCLUSION

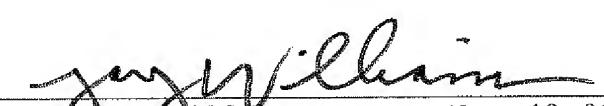
In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

  
\_\_\_\_\_  
Jay F. Williams, Reg. No. 48,036  
209 Madison Street, Suite 500  
Alexandria, VA 22314  
Telephone (703) 521-2297  
Telefax (703) 685-0573  
(703) 979-4709

JW/abs